

Office of the Tasmanian Economic Regulator

2023-24 Operating Plan

Contact Details

Office of the Tasmanian Economic Regulator

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| Office hours: | 8.45am to 5.00pm, Monday to Friday (except public holidays) |
| Street address: | Level 3, 21 Murray Street, Hobart, Tasmania 7000 |
| Postal address: | GPO Box 770, Hobart, Tasmania 7001 |
| Telephone: | (03) 6145 5899 or international +61 3 6145 5899 |
| Email: | office@economicregulator.tas.gov.au |
| Website: | www.economicregulator.tas.gov.au |

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The Office of the Tasmanian Economic Regulator (OTTER) is resourced by the Department of Treasury and Finance. Consequently, OTTER uses Treasury's planning tools in the annual planning process. This Operating Plan is one of OTTER's major planning tools. It also informs our stakeholders of our activities for the financial year as can reasonably be foreseen.

OTTER's primary objective is to support the Tasmania Economic Regulator in the exercise of its statutory powers and performance of its statutory functions. These are set out in the following Acts, together with associated regulations and other instruments: the *Economic Regulator Act 2009*; the *Electricity Supply Industry Act 1995*; the *Gas Industry Act 2019*; the *Water and Sewerage Industry Act 2008*; the *Energy Coordination and Planning Act 1995*; and the *Taxi and Hire Vehicle Industries Act 2008*.

OTTER has a large number of standard tasks, including preparing various reports and advice to the Regulator in making pricing and other approvals. The schedule in Table 1 sets out the decisions the Regulator expects to make and the reports it expects to release during 2023-24.

OTTER actively promotes stakeholder engagement by targeting communication and liaison with customer, community, and government stakeholders. OTTER also monitors national regulatory developments and actively engages with national and jurisdictional regulators across the energy and water and sewerage sectors.

During 2023-24, OTTER will continue to review the regulatory frameworks that it administers to ensure that they operate effectively, align with national regulatory arrangements, and avoid regulatory overlap or duplication. This will ensure that the cost of regulation, which is ultimately borne by customers, is minimised.

For an organisation of its size, OTTER covers a broad range of areas and relies heavily on the excellent administrative support from the Department of Treasury and Finance. During 2023-24, OTTER will strive to continue to deliver the level of support and service that the Regulator and stakeholders expect.

Kirstan Long
DIRECTOR

Table 1 Regulator's decisions and reports scheduled to be published in 2023-24

| Items | Scheduled publication date |
|--|----------------------------|
| Regulator's approval of Bass Strait Islands electricity prices for the period 1 September 2023 - 31 August 2024 | August 2023 |
| Inquiry into the Calculation of Regulatory Depreciation Allowances for TasWater's New Assets Draft Report | August 2023 |
| Inquiry into the level of TasWater's Service Charges Draft Report | August 2023 |
| Report from the prescribed body inquiry into Bass Island Line's pricing policies provided to the Treasurer | August 2023 |
| Electricity and gas price comparison report | October 2023 |
| Regulator's Annual Report | October 2023 |
| Inquiry into the Calculation of Regulatory Depreciation Allowances for TasWater's New Assets Final Report | November 2023 |
| Monitor and Assessor's energy security review Annual Report for the period from 1 November 2022 to 31 October 2023 | November 2023 |
| Regulator's approval of Motor Accident Insurance Board's maximum premiums to apply from 1 December 2023 | November 2023 |
| Inquiry into the level of TasWater's Service Charges Final Report | December 2023 |
| Inquiry into Sewerage Charging Draft Report | December 2023 |
| Energy in Tasmania Report 2022-23 | February 2024 |
| Report from the prescribed body inquiry into the Public Trustee's pricing policies provided to the Treasurer | February 2024 |
| Inquiry into Trade Waste Charging Draft Report | February 2024 |
| Inquiry into Sewerage Charging Final Report | April 2024 |
| Inquiry into Trade Waste Charging Final Report | May 2024 |
| State of the Water and Sewerage Industry Report 2022-23 | June 2024 |
| Regulator's determination of the regulated feed-in tariff rate to apply from 1 July 2024 | June 2024 |
| Regulator's approval of Aurora Energy's standing offer prices to apply from 1 July 2024 | June 2024 |
| Wholesale Contract Regulatory Instrument pricing investigation final report and making of associated approvals, declaration, and revocations | June 2024 |
| Water and Sewerage Price and Service Plan Guideline | June 2024 |
| Completion of a methodology review for the 2025 Standing Offer Price Determination investigation | June 2024 |

Our roles and responsibilities

OTTER supports the Regulator fulfil its statutory functions under various pieces of legislation and in relation to a range of industries as set out below.

Regulator's functions under the Economic Regulator Act

The Regulator's functions and powers under this Act include:

- ❑ investigating the pricing policies of certain Government-owned bodies, and other providers of services and goods in Tasmania, that are monopoly or near monopoly providers;
- ❑ recommending maximum prices chargeable by these bodies for the supply of services and goods; and
- ❑ conducting investigations into complaints against State and local government businesses in connection with alleged breaches of the national competition policy competitive neutrality principles.

Regulation of the electricity supply industry

The Regulator's functions under electricity legislation reflect the fact that the major Government-owned electricity entities have significant market power in Tasmania. In this environment, most customers require the protection of regulation for both price and conditions of supply as customers cannot negotiate on an equal footing with the service providers.

Over time, the Regulator's functions have been shaped by Tasmania's participation in the National Electricity Market (NEM) and national and State-based energy regulatory reforms.

The Regulator has several functions under the Electricity Supply Industry Act including:

- ❑ administering the Tasmanian Electricity Code (TEC);
- ❑ administering the licensing system for the electricity supply industry (ESI);
- ❑ monitoring and enforcing compliance with licence conditions;
- ❑ monitoring ESI entities' performance;
- ❑ approving Aurora Energy's standing offer and Hydro Tasmania's Bass Strait Islands electricity prices;
- ❑ determining the regulated electricity feed-in tariff rate; and
- ❑ regulating certain financial risk contracts offered by Hydro Tasmania.

The Regulator's objectives for the electricity supply industry include:

- ❑ promoting competition;
- ❑ maintaining an efficient industry;
- ❑ enforcing proper standards of safety, reliability and quality; and
- ❑ protecting consumers' interests.

The Regulator also performs the role of Energy Security Monitor and Assessor under the Energy Coordination and Planning Act, which includes issuing monthly information reports and an annual energy security review.

Regulation of the gas supply industry

The Regulator's functions as regulator of the gas supply industry in Tasmania are defined in the Gas Industry Act. These functions exclude price regulation and safety-related matters, but include:

- ❑ administering the licensing system for gas entities; and
- ❑ publishing and monitoring standards and codes for the services provided by gas entities.

The Gas Industry Act and four associated codes establish the procedural and institutional arrangements for Tasmania's gas market.

The Gas Distribution Code and Gas Retail Code set out the minimum standards for gas distribution and gas retail. The Gas Bulk Customer Transfer Code provides the regulatory framework for transferring customers in bulk between gas retailers.

The Gas Customer Transfer and Reconciliation Code (Transfer Code) establishes the rules and procedures for metering and reconciliation of gas quantities and the transfer of customers between retailers. The Transfer Code also establishes a metering data provider scheme and the certification of an allocation agent.

The Regulator's key objectives for the gas supply industry include:

- ❑ aiding the development of the industry in Tasmania;
- ❑ promoting efficiency and competition;
- ❑ monitoring the performance of the industry; and
- ❑ protecting the interests of gas customers.

Economic regulation of the water and sewerage sector

The Regulator has several responsibilities under the Water and Sewerage Industry Act, including:

- ❑ determining maximum prices for regulated water and sewerage services;
- ❑ promoting efficiency in terms of costs and pricing arrangements;
- ❑ issuing and administering licences for water and sewerage service providers (currently only TasWater);
- ❑ establishing and administering minimum customer service standards through development of the Tasmanian Water and Sewerage Customer Service Code (Customer Service Code);
- ❑ monitoring and enforcing water and sewerage entities' compliance with licence conditions; and
- ❑ monitoring the performance of the industry.

2023-24 Strategic Challenges

Key issues and challenges that OTTER faces during 2023-24 include:

- ❑ ensuring that new staff are integrated into the teams at OTTER and are effective in contributing to the investigations, inquiries and major reports required for 2023-24;
- ❑ ensuring that OTTER can manage peaks in workload effectively, including sufficient opportunity for consultation and preparing high quality papers and advice to the Tasmanian Economic Regulator;
- ❑ ensuring Codes and other instruments issued by the Regulator remain fit for purpose and reflect any legislative changes arising from the Government's reforms to the Tasmanian electricity and gas industries;
- ❑ monitoring national regulatory developments and more actively engaging with national and jurisdictional regulators across the energy and water and sewerage sectors; and
- ❑ promoting greater customer and stakeholder engagement in regulatory matters.

Standard Tasks

The following standard OTTER tasks and projects assist the Regulator to achieve its objectives:

- ❑ administering the licensing system for the electricity, gas and water and sewerage sectors;
- ❑ issuing, maintaining and enforcing legislation, codes and licence obligations in each industry sector;
- ❑ regulating certain wholesale market contracts and monitoring the wholesale market;
- ❑ investigating competitive neutrality complaints;
- ❑ establishing, monitoring and publishing standards and codes;
- ❑ developing, maintaining and publishing guidelines;
- ❑ supporting the OTTER Customer Consultative Committee (OCCC);
- ❑ participating in the national and intra-jurisdictional working groups and committees;
- ❑ reviewing quarterly and annual electricity performance reports and returns;
- ❑ reviewing and verifying water and sewerage performance data as part of OTTER's role of data and audit co-ordinator for national water performance reporting;
- ❑ reviewing outcomes of independent appraisals of management and compliance plans and monitoring the implementation of recommendations;
- ❑ reviewing electricity incident reports and annual planning documents;
- ❑ responding to queries and complaints on electricity, gas and water and sewerage pricing matters;
- ❑ determining gas, electricity and water and sewerage licence fees and recovering investigation costs;
- ❑ providing advice to the Government and making inquiries as requested by the Minister;
- ❑ publishing weekly electricity market bulletins summarising outcomes of the NEM in relation to the Tasmanian region, as well as other factors affecting the electricity system in Tasmania;
- ❑ publishing energy security monthly dashboards and the annual energy security review; and
- ❑ responding to right to information requests.

Our Stakeholders

OTTER is responsible to the Tasmanian Economic Regulator. OTTER has very important relationships with the following stakeholders:

- ❑ consumers of the services provided by the regulated entities that we investigate or regulate and consumer bodies, including the OCCC;
- ❑ regulated gas, electricity and water and sewerage entities, other businesses in the electricity supply industry and taxi licence owners and operators;
- ❑ State Government businesses and local government businesses that are monopoly providers of goods and services;
- ❑ State Government departments responsible for energy and water policy, transport and infrastructure;
- ❑ Australian and state and territory regulatory bodies; and
- ❑ representatives of industry participants in the industries affected by our investigations and regulation.

Organisational Structure and Values

OTTER staff are employed by the Department of Treasury and Finance, which is a values-based organisation. OTTER staff base their decisions and behaviour on the following values:

- ❑ **Integrity** as it builds confidence, trust and self-respect, and is the foundation of open and honest communication;
- ❑ **Excellence** as it challenges us to give our best and brings us recognition;
- ❑ **Respect** as it recognises the value of each of us and the contribution we all make;
- ❑ **Passion** as it inspires us to achieve great things; and
- ❑ **Camaraderie** as it creates a fun and supportive place to be.

OTTER's organisational structure for 2023-24 is shown below.



